

House File 2435 - Introduced

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 546)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to deferred judgment records in a criminal
2 proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5471HV 82
5 jm/rj/8

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1 1 Section 1. Section 907.9, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. At the expiration of the period of probation and if the
1 4 fees imposed under sections 815.9 and 905.14 have been paid or
1 5 on condition that unpaid supervision fees be paid, the court
1 6 shall order the discharge of the person from probation, and
1 7 the court shall forward to the governor a recommendation for
1 8 or against restoration of citizenship rights to that person.
1 9 A person who has been discharged from probation shall no
1 10 longer be held to answer for the person's offense. Upon
1 11 discharge from probation, if judgment has been deferred under
1 12 section 907.3, the court's criminal record with reference to
1 13 the deferred judgment shall be expunged. However, the record
1 14 shall not be expunged until the person has paid the
1 15 restitution, civil penalties, court costs, fines, fees, or
1 16 other financial obligations ordered by the court or assessed
1 17 by the clerk of the district court in the case that includes
1 18 the deferred judgment. The record maintained by the state
1 19 court administrator as required by section 907.4 shall not be
1 20 expunged. The court's record shall not be expunged in any
1 21 other circumstances unless authorized by law.

1 22 EXPLANATION

1 23 This bill relates to deferred judgment records in a
1 24 criminal proceeding.

1 25 Under the bill, a person who receives a deferred judgment
1 26 shall not have the person's criminal record in the case
1 27 expunged until the person has paid the restitution, civil
1 28 penalties, court costs, fines, fees, or other financial
1 29 obligations in the deferred judgment case.

1 30 Under current law, a person who receives a deferred
1 31 judgment and who is discharged from probation shall have the
1 32 criminal record in the deferred judgment case expunged.

1 33 Under current law, a permanent record of a deferred
1 34 judgment is maintained pursuant to Code section 907.4, even if
1 35 the record is expunged, in order to determine if a defendant
2 1 has received a previous deferred judgment.

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